

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER, a/k/a
ANTOLIN ANDREW MARKS,

Plaintiff,

v.

G. WIGEN, *et al.*,

Defendants.

Case No. C05-5662 FDB/KLS

REPORT AND RECOMMENDATION

NOTED FOR: July 13, 2007

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is Plaintiff's "Motion to Reopen and Reinstate the Injunctive Claims and to Recall the Dismissal Issued in this Matter," (Dkt. # 42) and Motion for Order to Show Cause (directed at Defendant Melendez) (Dkt. # 44).

II. DISCUSSION

On June 9, 2006, this matter was dismissed without prejudice, pursuant to Fed. R. Civ. P. Rule 41(a)(1). (Dkt. # 33). The dismissal was based on Plaintiff's notification to the Court that he no longer wished to pursue this action because the conduct on which he based his complaint had ceased and he had suffered no compensable injury. (Dkt. 21). Judgment in favor of Defendants was

1 entered on June 9, 2006 (Dkt. # 34) and the case was administratively closed on June 19, 2006.


2 There is no action pending before the Court and, therefore, if Plaintiff seeks injunctive relief against
3 Defendants, he must pursue it in a separate civil action.

4 Accordingly, the undersigned recommends that Plaintiff's motion to reopen case be denied.
5 Plaintiff's motion for an order to show cause directed to Defendant Melendez should similarly be
6 denied as there is no longer an action pending before this Court.

8 III. CONCLUSION

9 For the foregoing reasons, the undersigned recommends that Plaintiff's motions to reopen the
10 case (Dkt. # 42) and motion for order to show cause (Dkt. # 44) be **DENIED**. A proposed order
11 accompanies this Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b)
12 of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this
13 Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a
14 waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985).
15 Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the matter for
16 consideration on **July 13, 2007**, as noted in the caption.

17 DATED this 18th day of June, 2007.

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21 Karen L. Strombom
22 United States Magistrate Judge
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